

April 23, 2009



Via e-filing

Hon. Charles N. Clevert Jr.
U.S. District Court for the Eastern District of Wisconsin
222 United States Courthouse
517 East Wisconsin Avenue
Milwaukee, WI 53202

Re: *Does 1-9 v. Elmbrook Joint Common School District No. 21*,
2:09-cv-00409-CNC

National Office

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Dear Judge Clevert:

I am writing on behalf of the plaintiffs in this case. We have been informed that the Court's practice is to hold a status conference soon after the filing of a case that seeks a preliminary injunction. We believe that holding an early status conference would be particularly helpful in this case, in light of the June 6 and 7 dates of the graduation ceremonies at issue. At such a status conference, the Court and the parties could discuss what procedural schedule should be set in order to facilitate resolution of the plaintiffs' preliminary injunction motion sufficiently in advance of the graduations to minimize any logistical difficulty that could arise out of their relocation.

The undersigned (lead counsel for the plaintiffs) is available for a status conference any time after Monday, April 27. On Friday, April 24, and Monday, April 27, I will be taking cross-country flights and out of the office. From April 24 through April 27, I can be reached by cell phone at 202-423-6698 or by e-mail at luchenitser@au.org; alternatively, your chambers can contact Elizabeth Stevens, the attorney who is working with me on the case, in our office at 202-466-3234 or stevens@au.org.

Plaintiffs served the defendant school district with the summons, complaint, and preliminary injunction papers yesterday (the same day the case was filed). We filed an affidavit confirming service immediately prior to filing this letter. I spoke to Mark Kapocius, in-house staff counsel for the school district, yesterday. Mr. Kapocius indicated that the school district would be retaining outside counsel for this case, and that this counsel should be selected within a few days. Mr. Kapocius added that, in the meantime, any contacts about the case should be directed to him. Mr. Kapocius can be reached by phone at (262) 781-3030, ext. 1125; by e-mail at kapocium@elmbrookschoools.org; and by mail at School District of Elmbrook, P.O. Box 1830, 13780 Hope Street, Brookfield, WI 53005.

As my office is located in Washington, D.C., I would greatly appreciate it if any status conference could be conducted telephonically. Thank you for your consideration.

Respectfully,

/s/ Alex J. Luchenitser

Alex J. Luchenitser, Esq.
Senior Litigation Counsel

CERTIFICATE OF SERVICE

I hereby certify that, on April 23, 2009, I electronically filed the foregoing letter to the Court using the ECF system, and I both e-mailed the letter, and instructed that the letter be mailed the same day by United States Postal Service, to the following counsel for the defendant, who is not an ECF participant in this case:

Mark S. Kapocius
Staff Counsel
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/s/ Alex J. Luchenitser
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Date: April 23, 2009